

#### REMARKS

This Amendment is filed in response to the Office Action dated July 19, 2006, which has a shortened statutory period set to expire October 19, 2006.

#### Allowable Subject Matter

Applicant greatly appreciates the Examiner's indication of allowable subject matter. Specifically, Claims 6, 7, 10, and 13 are objected to as being dependent on a rejected base claim (Claim 1), but would be allowable if rewritten in independent form including all of the limitations of the base claim (Claim 1) and any intervening claims (none). Claims 6, 7, 10, and 13 are rewritten in independent form including substantive limitations of Claim 1. Based on these amendments, Applicant requests reconsideration and withdrawal of the objection to Claims 6, 7, 10, and 13.

#### Claim 12 Is Patentable Over Jones

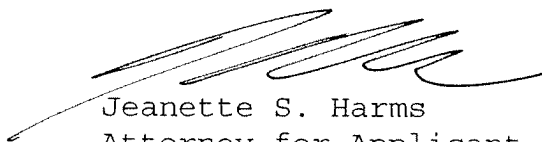
Claim 12 recites, emphasis added, "wherein the estimate [of likelihood] changes based upon a change to a determined frequency hopping interferer." The Office Action cites col. 4, lines 3-36 of Jones as teaching this limitation, i.e. the interference therein described being equivalent with the "determined frequency hopping interferer". Applicant respectfully traverses this characterization. In the Specification, page 18, line 32 to page 19, line 5, Applicant teaches a hopping sequence can be determined, thereby leading to an accurate prediction of which bins to puncture. Notably, nothing in Jones indicates that the described interference is equivalent to a "determined frequency hopping interferer". Therefore, Applicant requests reconsideration and withdrawal of the rejection of Claim 12.

CONCLUSION

Claims 6, 7, 10, 12, and 13 are pending in the present application. Allowance of these claims is respectfully requested.

If there are any questions, please telephone the undersigned at 408-451-5907 to expedite prosecution of this case.

Respectfully submitted,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and a long horizontal stroke extending to the left.

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